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April 19, 2019

VIA ECF

Honorable Vernon S. Broderick
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 415
New York, New York 10007

Re: Tyreik Williams v. City of New York, et al., 18-CV-5175 (VSB)

Your Honor:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, representing defendants City of New York, Commissioner Cynthia Brann, and Bureau Chief Yolanda Canty in the above-referenced matter.¹ Pursuant to the Court's March 5, 2019 Order, defendants submit this letter in advance of the initial pre-trial conference.²

1. A brief statement of the nature of the case and principal defenses

A. Nature of the Case and Principal Claims

In his complaint, plaintiff alleges, *inter alia*, that he was arrested on April 18, 2018, and was subsequently incarcerated at West Facility from approximately April 24, 2018, until May 17, 2018. Plaintiff further claims that he was placed in punitive segregation in violation of a New York City Department of Correction (hereinafter "DOC") policy which outlawed punitive segregation for adolescents 21 years and younger.

¹ This case has been assigned to Assistant Corporation Counsel Stephanie Vilella, who is presently awaiting admission to the New York State Bar. Ms. Vilella is handling this matter under supervision and may be reached at (212) 356-2318 or svilella@law.nyc.gov.

² On April 18, 2019, defendants requested an adjournment of the Telephone Conference presently scheduled for April 26, 2019 at 11:00 a.m. (See ECF No. 15)

B. Principal Defenses

- i. The complaint fails to state a claim upon which relief can be granted.
- ii. Any injury alleged to have been sustained resulted from plaintiff's own culpable or negligent conduct and was not the proximate result of any act of defendants City of New York, Commissioner Brann, or Bureau Chief Yolanda Canty.
- iii. Plaintiff provoked any incident.
- iv. Defendants City of New York, Commissioner Brann, and Bureau Chief Yolanda Canty have not violated any rights, privileges, or immunities under the Constitution or laws of the United States or the State of New York or any political subdivision thereof.
- v. Defendants Commissioner Cynthia Brann and Bureau Chief Yolanda Canty have not violated any clearly established constitutional or statutory right of which a reasonable person would have known and, therefore, are protected by qualified immunity.
- vi. Plaintiff has failed to comply with New York General Municipal Law §§ 50(e), *et seq.*
- vii. At all times relevant to the acts alleged in the complaint, defendants Commissioner Cynthia Brann and Bureau Chief Yolanda Canty acted reasonably in the proper and lawful exercise of their discretion.
- viii. Plaintiff's claims may be barred, in whole or in part, by the Prison Litigation Reform Act, 42 U.S.C. § 1997e.
- ix. Defendants Commissioner Cynthia Brann and Bureau Chief Yolanda Canty had no personal involvement in the incidents alleged in the complaint.
- x. Plaintiff has failed to mitigate his alleged damages.
- xi. At all times relevant to the acts alleged in the complaint, the duties and functions of the municipal defendant's officials entailed the reasonable exercise of proper and lawful discretion. Therefore, defendant City of New York is entitled to governmental immunity from liability.

2. Subject matter jurisdiction and venue

Defendants do not contest jurisdiction and venue. To the extent plaintiff has pled violations of his Constitutional rights, this Court has original jurisdiction over those claims pursuant to 28 U.S.C. §§ 1331 and 1343, as the claims are asserted under 42 U.S.C. § 1983.

3. Motions and existing deadlines

Upon information and belief, no motions have been made in this case. Additionally, there are no existing deadlines at this time.

4. Discovery

Defendants respectfully note that no discovery has taken place.

5. Any other information that may assist this Court in resolving the action.

Defendants have no additional information at this time.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Maria Fernanda DeCastro
Assistant Corporation Counsel

cc: **BY FIRST-CLASS MAIL**

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